APPENDIX

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term, 1960

No. 15,925

District Court Administration No. 87,885

EDGAR J. ORMET, Caveator, *Appellant*,

v.

JAMES W. ORMET et al., *Appellees*.

Before: Prettyman, Chief Judge, Bazelon and Bastian, Circuit Judges, in Chambers.

Order

Upon consideration of appellees' motion to docket and dismiss this appeal and of appellant's opposition and of appellant's amended reply, it is

ORDERED by the court that the motion for leave to file the record and docket the appeal is denied and that appellees' motion to dismiss is granted, without prejudice to making a showing of "excusable neglect" for failure to move within the permissible time for an extension of time to file the record and docket the appeal.

It is FURTHER ORDERED by the court that appellees shall recover from appellant their taxable costs on this appeal and shall have execution therefor.

Per Curiam.

Dated: October 17, 1960

Circuit Judge Bastian dissents, being of opinion that motion of appellees' should be denied.

Order

Upon consideration of appellant's motion for an enlargement of time to file the record and docket the appeal and of appellees' objections, it is

ORDERED by the court that the motion for enlargement of time to file the record and docket the appeal is denied.

Per Curiam.

Dated: December 15, 1960

Circuit Judge Bastian would grant the motion.

Order

Upon consideration of appellant's petition for rehearing en banc of the denial of his motion for an enlargement of time to file the record and docket the appeal, it is

ORDERED by the court that the petition for rehearing en banc is denied.

Per Curiam.

Dated: January 26, 1961

Circuit Judge Bastian would grant the petition.

Order

Upon consideration of appellant's petition for rehearing before the division of the denial of his motion for an enlargement of time to file the record and docket the appeal, it is

ORDERED by the court that the petition for rehearing by the division is denied.

Per Curiam.

Dated: January 26, 1961

Circuit Judge Bastian would grant the petition for rehearing by the division.

Affidavit of Edgar J. Orme, Sr.

Edgar J. Orme, Sr., first being duly sworn, deposes and states that:

1. He is caveator-appellant of the alleged Will of his brother, Charles H. Orme, deceased, in the courts below, and is petitioner herein;

2. During the last week of July and the first week of August, 1960, he was suffering from a recurrence of an abscess on a fistula resulting from a ruptured appendix, a condition which affiant has suffered for a number of years, and which was incapacitating enough to provide the basis for exeusal from jury duty in 1952: (See the letter of Dr. George R. Huffman, dated February 25, 1952, attached hereto, as Exhibit "A" and made a part hereof by reference;)

3. During said attacks he is unable to transact ordinary business, suffers a fever, and is confined to bed;

4. During this period, he received a certain communication from his attorney, Carl L. Shipley, Esq., dated July 22, 1960, which, among other things, pointed out the necessity of sending funds to cover deposit for the preparation of the record in his appeal;

5. He was physically unable to respond to this letter or take any action thereon until after August 7, 1960; and

6. Having been advised that an appeal was noted, he did not realize that the other steps in perfecting said appeal were required to be done within rigidly specified time limits.

EDGAR J. ORME, SR.
Edgar J. Orme, Sr.

Subscribed and sworn to before me, a Notary Public, in and for the District of Columbia this 24th day of February, 1961.

MARGUERITE G. WIMMER
Notary Public, D. C.

Affidavit of Edgar J. Orme, Sr.—Exhibit "A"

GEORGE R. HUFFMAN, M. D.
1912 R STREET, N. W.
WASHINGTON 9, D. C.
DECATUR 2-3090

February 25, 1952

To Whom It May Concern:

Re: Mr. Edgar J. Orme, Sr.
2540 Massachusetts Avenue, N. W.
Washington, D. C.

This is to certify that Mr. Edgar J. Orme, Sr., has a Fistula post operative from a ruptured appendix. The Fistula, periodically, becomes obstructed, forming an abscess requiring active treatment.

In view of this fact, I respectfully request that he be excused from Jury duty.

George R. Huffman, M. D.

GRH bb